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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

FEB 15 1989

US EPA RECORDS CENTER REGION 5



498155

Richard C. Noser  
Corporation Counsel  
City of Elkhart  
Legal Department  
Municipal Building  
229 So. Second Street  
Elkhart, Indiana 46516

Re: Elkhart Cost Recovery Matters

Dear Mr. Noser:

Your letter of February 7, 1989 addressed to Tom Daggett has been received. Mr. Daggett left this Agency several months ago and I had assumed responsibility for the various matters in the East Jackson neighborhood several months before that. You may recall that you and I have spoken by telephone as early as May 4, 1988 and on at least two other occasions since then about possible civil actions to recover costs incurred by the City and its residents.

It is not clear to me, given those conversations, why you have provided the list attached to your February 7 letter. The letter seems to imply that the U.S. may file an action on the residents' behalf. This Agency has no authority to file suit on behalf of the City or its residents, but has suggested that either or both might want to file a lawsuit which complements the cost recovery action which the federal government contemplates. To that end, I mailed you a model CERCLA cost recovery complaint on October 31, 1988. Has any such lawsuit been filed? Have you supplied EPA with the list for some other purpose?

Sincerely,

Charles McKinley  
Assistant Regional Counsel

cc: Ken Theisen  
Bob Bowden  
Mayor James P. Perron  
City Engineer Gary A. Gilot